


of the instant case. That the plaintiffs cannot under Maryland law acquire prescriptive rights in public roads nor can they acquire ownership interests in the same by adverse possession.

That intervenors, as owners of real property abutting on and served by Federal Street and North Alley, and the public in general have a right to use said streets free of encroachments and obstructions. That the structure located on Lot No. 85 of the Town of New Market, to the extent that it encroaches into the rights of way of Federal Street and North Alley is a nuisance which should be removed.

WHEREFORE, Defendants pray:

1. That the Court deny the relief requested by the plaintiffs.
2. That the plaintiffs be ordered to remove the structure on Lot No. 85 of the Town of New Market so that it does not encroach upon the rights of way for Federal Street and North Alley.
3. And for such other and further relief as the nature of the case may require..


 PEYTON PAUL PHILLIPS
 Attorney for defendants Brinkley
 100 West Church Street
 Frederick, Maryland 21701
 (301) 662-5155

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that on this 23rd day of December, 1976, a copy of the foregoing answer to bill of complaint was mailed, postage prepaid to James W. Hane, Esquire, attorney for plaintiffs, P.O. Box 246, Gaithersburg, Maryland 20760 and to Mary E. Storm, Attorney at Law, attorney for defendant, The Town of New Market, 114-A West Church Street, Frederick, Maryland 21701.


 PEYTON PAUL PHILLIPS

Filed December 23, 1976